

REMARKS

This Amendment is submitted in reply to the non-final Office Action dated December 22, 2006. A petition for a one month extension of time is submitted herewith. The Director is authorized to charge \$120 for the petition for extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-529 on the account statement.

Claims 1-4 and 9-19 are pending in this application. Claim 5-8 were previously canceled. In the Office Action, Claims 2-4, 10-13, 15-16 and 18-19 are objected to, Claims 1, 7-8 and 14 are rejected under 35 U.S.C. §102 and Claim 9 is rejected under 35 U.S.C. §103. In response Claim 1 has been amended, Claims 20-30 have been added, and Claims 2-4, 10-13, 15-16 and 18-19 have been cancelled. This amendment does not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1, 7-8 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 74006108. ("JP '108"). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP '108. Applicants believe these rejections are improper and respectfully traverse them for at least the reasons set forth below.

Applicants respectfully submit that Claims 7-8 were previously canceled without prejudice or disclaimer and thereby currently not pending. Applicants have amended independent Claim 1 to recite, in part, a mixture of at least two individual amino compounds selected from the group consisting of arginine, citrulline, glutamine, ornithine, proline and combinations thereof. The amendment is supported in the specification, for example, at page 7, line 27 to page 9, line 3. In alternative embodiments as illustrated by the examples, individual amounts of arginine, citrulline, glutamine, ornithine or proline are added to a mixture along with a reducing sugar in the presence of yeast. In contrast, Applicants respectfully submit that the cited reference fails to disclose or suggest all of the elements of independent Claim 1.

JP '108 fails to disclose or suggest conducting a bioconversion of a mixture of at least two individual amino compounds from the group consisting of arginine, citrulline, glutamine, ornithine, proline or combinations thereof as required, in part, by Claim 1. In an embodiment,

this complicated combination of odorant compounds allows for a mixture that contains key aroma precursors which can generate a fully rich and well-balanced baked aroma upon heating. *See* specification, page 4, lines 11-13. In contrast, *JP '108* discloses a process for preparing flavor additives using one of skim milk, casein or whey. As a result, any amino acids are associated with skim milk, casein or whey. Consequently, *JP '108* does not disclose or suggest a mixture of at least two individual amino compounds.

Additionally, Applicants submit that *JP '108* does not disclose preparing aroma precursors, but rather aroma per se. For example, *JP '108* teaches making a fermentation of skim milk (a milk based product) and adding a heat treated mixture of saccharides and amino acids, which is the product of a Maillard reaction. As a result, the aroma products are already in other compositions and are not themselves precursors to baked goods as the claimed aromatization compounds are. For at least the reasons discussed above, Applicants respectfully submit Claim 1 and Claims 9 and 14 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejections of Claims 1, 9 and 14 under 35 U.S.C. §102 and §103 be withdrawn.

In the Office Action, Claims 2-4, 10-13, 15-16 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, new Claims 20-30 have been added and effectively represent the subject matter as defined in Claims 2-4, 10-13, 15-16 and 18-19, respectively, in allowable form as suggested by the Patent Office. Accordingly, Claims 20-30 should be allowed.

Applicants note for the record that Claim 17 has not been rejected. Thus, Applicants request that the record reflect that Claim 17 be allowed as presently pending.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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